

## Agency 49

# Department of Labor

### Editor's Note:

The Kansas Department of Human Resources was renamed the Kansas Department of Labor by Executive Reorganization Order No. 31. See L. 2004, Ch. 191.

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This agency was formerly entitled "Labor Department." The Labor Department was reorganized into the Department of Human Resources by Executive Reorganization Order No. 14, see L. 1976, ch. 354.

### Articles

#### 49-55. AMUSEMENT RIDE REGULATIONS.

#### Article 55.—AMUSEMENT RIDE REGULATIONS

**49-55-1. Applicability.** Unless exempted by the act, this article shall apply to all permanent amusement rides and temporary amusement rides within the state. (Authorized by and implementing L. 2009, ch. 71, sec. 3; effective May 28, 2010.)

**49-55-2. Definitions.** (a) "Act" means the Kansas amusement ride act and amendments thereto.

(b) "Amusement ride records" means the following:

- (1) The current certification of an inspector's qualifications to inspect amusement rides;
- (2) the current certificate of inspection signed by a qualified inspector;
- (3) the current maintenance and inspection records;
- (4) the current results of nondestructive testing;
- (5) each amusement ride manufacturer's operational manual;
- (6) each amusement ride manufacturer's nondestructive testing recommendations; and
- (7) each amusement ride manufacturer's inspection guidelines.

(c) "Permanent amusement ride" means an amusement ride, as defined in K.S.A. 44-1601 and amendments thereto, that the owner permanently affixed to the real estate where the amusement ride is operated. A permanent amusement ride is not capable of being transported from one location to another without significant physical alteration of the location and the amusement ride.

(d) "Self-inspection," within the act and these regulations, means that the operator or owner of an amusement ride causes the inspection of the amusement ride by a qualified inspector without using the services of a third-party inspector.

(e) "Temporary amusement ride" means an amusement ride, as defined in K.S.A. 44-1601 and amendments thereto, that the owner can move from location to location without significant physical alteration of the location and the amusement ride. A temporary amusement ride has wheels affixed or can be transported on a trailer or other moving apparatus. (Authorized by and implementing L. 2009, ch. 71, sec. 3; effective May 28, 2010.)

**49-55-3. Approved inspector certification program.** To be considered a qualified inspector, the person shall hold a current certification at level one, or higher, that is issued by the national association of amusement ride safety officials (NAARSO). (Authorized by K.S.A. 2009 Supp. 44-1614; implementing K.S.A. 2009 Supp. 44-1602; effective May 28, 2010.)

**49-55-4. Inspection certification.** Each individual performing any inspections shall possess a NAARSO level one, or higher, certification. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-5. Nondestructive testing of amusement rides.** (a) The owner of each amusement ride, before operating the amusement ride, shall conduct a nondestructive test of the amusement ride in accordance with the following:

- (1) The manufacturer's recommendations; and
- (2) sections 7.2.1, 7.2.3, and 8 of the "standard guide for testing performance of amusement rides and devices," F 846-92, as reapproved by the American society for testing and materials (ASTM) international in 2009, which are hereby adopted by reference.

(b) At a minimum, each owner shall conduct a nondestructive test every 30 days on each temporary amusement ride and once a year on each permanent amusement ride. (Authorized by L. 2009, ch. 71, sec. 3 and K.S.A. 2008 Supp. 44-1602; implementing K.S.A. 2008 Supp. 44-1604; effective May 28, 2010.)

**49-55-6. Record retention.** The owner of each amusement ride shall retain all amusement ride records as specified in K.A.R. 49-55-2(b) for a period of one year, which shall be grouped according to ride. The owner shall retain all amusement ride records at the location of the amusement ride's operation. The records shall be accessible upon request by the department and each person who contracts with the owner for the amusement ride's operation. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602, K.S.A. 2008 Supp. 44-1603, and K.S.A. 2008 Supp. 44-1605; effective May 28, 2010.)

**49-55-7. Location of evidence of inspection.** The owner of each amusement ride shall affix a copy of the current inspection results under a weatherproof covering in a conspicuous location on the amusement ride so that each patron can see the results before boarding the amusement ride. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-8. Procedure for selection of an amusement ride for records audit.** Amusement rides shall be randomly selected each quarter by the department for records audit by location. A permanent amusement ride shall not be subject to more than two records audits during the six-month period from the date of the last records audit. A temporary amusement ride shall not be subject to more than one records audit at the same location. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-9. Location of safety instructions.** The owner shall affix the safety instructions for each amusement ride in a conspicuous location under a waterproof covering that allows patrons to read the instructions before boarding the amusement ride.

(Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1606; effective May 28, 2010.)

**49-55-10. Reporting of amusement ride locations.** (a) Permanent amusement ride. The owner of each permanent amusement ride shall annually report the location of that amusement ride on a form provided by the department. If the owner removes a permanent amusement ride from service or places a new permanent amusement ride in service, the owner shall report the removal or placement to the department within 30 calendar days.

(b) Temporary amusement ride. The owner of each temporary amusement ride shall file with the department an itinerary at least 30 calendar days before the beginning date on the itinerary. The owner shall submit the itinerary on a form provided by the department. If the owner changes the itinerary, the owner shall report the change to the department by the next business day following the day the change occurred. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)

**49-55-11. Submitting reports and other documents.** Each report and any other document required by these regulations or the act shall be submitted by mail, facsimile, hand delivery, or electronic mail. (Authorized by and implementing L. 2009, ch. 71, sec. 3; effective May 28, 2010.)

**49-55-12. Violations; reporting violations to the attorney general, county attorney, or district attorney.** (a) For the first violation by an owner of any provision of the act or these regulations, a written warning citation shall be issued by the department to the owner. Each citation shall specify the following:

- (1) The nature of the violation;
- (2) the facts supporting the determination that a violation took place; and
- (3) specification of the action that the owner shall take to comply with the act or these regulations.

(b) If the owner fails to take the corrective action specified in the citation, the owner's violation shall be reported by the department to the applicable authority for criminal prosecution. (Authorized by L. 2009, ch. 71, sec. 3; implementing K.S.A. 2008 Supp. 44-1602; effective May 28, 2010.)